

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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ANDREA L. DAMMANN and  
MAY K. YANG, individually and  
on behalf of classes of similarly  
situated individuals,

Plaintiffs,

v.

**ORDER**

Civil File No. 15-3149 (MJD/FLN)

PROGRESSIVE DIRECT INSURANCE  
COMPANY,

Defendant.

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Charles D. Slane, Terry Slane & Ruohonen, PLLC, and Eric N. Linsk and Robert K. Shelquist, Lockridge Grindal Nauen PLLP, Counsel for Plaintiffs.

Richard D. Snyder, Todd A. Wind, and Anupama D. Sreekanth, Fredrikson & Byron, PA, Counsel for Defendant.

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The above-entitled matter comes before the Court upon the Order and Report and Recommendation of United States Magistrate Judge Franklin L. Noel filed May 31, 2016. Plaintiffs filed objections to the Order and Report and Recommendation.

Pursuant to statute, in addressing objections to the Report and Recommendation, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Additionally, this Court will reverse a magistrate judge's order on a nondispositive issue if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); D. Minn. L.R. 72.2(a). Based upon the appropriate review, the Court affirms the Order and adopts the Report and Recommendation of United States Magistrate Judge Noel filed May 31, 2016.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **AFFIRMS** and **ADOPTS** the Order and Report and Recommendation of United States Magistrate Judge Franklin L. Noel filed May 31, 2016 [Docket No. 53].
2. Defendant's Motion to Dismiss [Docket No. 31] is **GRANTED** and this matter is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: August 8, 2016

s/ Michael J. Davis

Michael J. Davis

United States District Court